

**AMENDMENT TRANSMITTAL LETTER**Docket No.
SPINE 3.0-437
CIPCIPCIPCIPCIPCON IVApplication No.
10/784,628-Conf. #8401Filing Date
February 23, 2004Examiner
J. L. CumberledgeArt Unit
3733

Applicant(s): Joseph P. Errico, Michael W. Dudasik, and Rafail Zubok

Invention: INSTRUMENTATION FOR INSERTING AND IMPACTING AN ARTIFICIAL
INTERVERTEBRAL DISC IN AN INTERVERTEBRAL SPACE**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	8	- 20 =	0	x 52.00	0.00
Independent Claims	1	- 3 =	0	x 220.00	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

☒ Large Entity☐ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. _____ in the amount of \$ _____.☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-1095
as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.
William A. Di Bianca
Attorney/Agent Reg. No.: 58,653Dated: March 13, 2009LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 13, 2009

Signature: 

(William A. Di Bianca)

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Dated: March 13, 2009

Signature:

(William A. Di Blanda)

Docket No.: SPINE 3.0-437 CIPCIPCIPCIPCIPCON IV
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Errico et al.

Application No.: 10/784,628

Filed: February 23, 2004

For: INSTRUMENTATION FOR INSERTING
AND IMPACTING AN ARTIFICIAL
INTERVERTEBRAL DISC IN AN
INTERVERTEBRAL SPACE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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: Group Art Unit: 3733
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: Examiner: J. L.
Cumberledge

AMENDMENT

Dear Madam:

In response to the Official Action mailed November 14, 2008, Applicants submit the following amendments and remarks.